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Paper No. 7

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OFFICE OF PETITIONS

In re Application of :
Sidney T. Smith et al :
Application No. 09/813,351 : DECISION ON PETITION
Filed: March 19, 2001 :
Attorney Docket No. CRTS-5679 :
(1417A P 450) :

This is a decision on the paper styled "Request For corrected Filing Receipt" filed April 12, 2001, requesting that the above-identified application be accorded a filing date of March 19, 2001, rather than the presently accorded filing date of March 16, 2001. The petition is properly treated as a petition under 37 CFR 1.10(d).

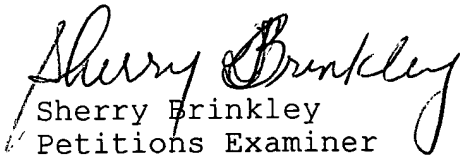
Applicants request the later filing date on the basis that the application was purportedly deposited in "Express Mail" service with the U.S. Postal Service on March 19, 2001, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail label No. EL626160200US shows a "date-in" of March 16, 2001. Applicants allege that the date of mailing shown by the Express Mail receipt is a U.S. Postal Service (USPS) error and the correct date of mailing is March 19, 2001. It is noted that the same Express Mail label number appears on the original transmittal letter in the file and includes a statement of express mailing under 37 CFR 1.10 dated March 19, 2001.

A search of the USPS Track and Confirm record confirms that the package in question was accepted at 6:01pm at the USPS in Chicago, IL on March 19, 2001. Accordingly, the petition is granted.

Receipt is acknowledged of the basic filing fee, a petition for a two month extension of time, and the declaration filed with the instant petition, in response to the Notice mailed April 27, 2001.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of March 19, 2001, and to update the Office records to show all the inventors' name, city, and state on the corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.



Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Express Mail Track/Confirm Sheet